



STATEMENT OF JUSTIFICATION
REPLACEMENT OF AN EXISTING ACCESSORY BUILDING

N C G S 22

DIVISION

Case Name: Greenbelt Automotive Holding Corporation
DbA / Greenbelt Auto and Truck Service
Property Owner: Mr. Joseph Aulisio, President

Case Number/Application Number: NCGS-22
DPIE Permit number 45265-2014-00 CGW
Application Date: 12/10/2014
Current Zone Code: CSC

Previous Approvals:

SDC Plan 32363-2015-0
DPIE UOW 15483-2015-00
Deed 11192/548
Use and Occupancy permit
NonConforming Gas Station 47202-2006-U

Certified Non Conforming Use 3312-1983-0 & 3312-1983-1

DESCRIPTION OF PROPOSED REQUEST: Pursuant to Sec. 27-242 (3) Gas stations.

(A) *The following modifications of a certified nonconforming gas station may be permitted by the Planning Board without a special exception (Section 27-384):*

(iv) *The addition, relocation, or modification of an accessory building used solely for the storage of automotive replacement parts or accessories. The accessory building shall be wholly enclosed. The building shall either be constructed of brick (or another building material similar in appearance to that of the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The screening shall be approved as part of the modification.*

The property owner is filing this application to modify a certified nonconforming gas station use without filing a special exception in accordance with the above referenced Section of the Prince George's County Zoning Ordinance. Specifically, this application is to obtain approval for the modification/installation of a wholly enclosed accessory building to be used solely for the storage of automotive replacement parts and accessories. The proposed accessory building will replace an existing shed that was damaged by snow falls and a fallen tree limb.

The previous shed was constructed of wood painted white with an asphalt shingle roof and on a concrete slab foundation located between the Greenbelt City storage garage and the front north east corner of the auto service repair building and was used for storage of auto accessories and parts (see attached Site Development Plan). The accessory building became an attractive nuisance/safety concern when the roof and rear wall began to cave in after the snowfall and tree limb damage. The owner, proceeding under his understanding of the requirements for replacement of the existing accessory building, began construction of a new accessory building in the same location on the subject property.

A "Notice of Violation" was issued by the City of Greenbelt on November 21, 2014 under the city code section 4-34 requiring the owner to stop work pending an approved permit for an accessory structure.

The proposed wholly enclosed accessory structure is 12Lx20Wx12H, constructed of 14 gauge white aluminum panels with closed ends, a 9x7 roll up door, and green 14 - gauge aluminum roof and trim.

DESCRIPTION AND LOCATION OF THE SUBJECT PROPERTY, OWNER: The subject property is located within the Greenbelt town center, in the north quadrant of Centerway Road at the intersection with Garden Way and consists of 0.23 acres ("Property"). The Property is zoned C-S-C (Commercial Shopping Center). The subject Property's address is 159 and 161 Centerway Road, Greenbelt, Maryland 20770. The businesses are a gas station auto repair use which were certified as non-conforming uses in 1983 (3312-1983-0 & 3312-1983-1).

The subject Property is part of a well-established, existing commercial area consisting of retail, commercial office and city municipal buildings and other uses. The original subdivision was dedicated a subdivision subject to certain detailed shared and common area uses as described in the resolution adopted July 9, 1953 by the Greenbelt City Council, which is included in this application. Use and occupancy permits have been issued continuously since 1958 for a service station and garage on the subject Property.

The Property is improved with a gas station with two service bays, a retail store and two double pump gas dispensaries. The gas station structure is frame, block and aluminum siding, white and banner colors to correspond with the petroleum supplier designated color. This building has a flat tar and rubber roof system. This primary structure is 1650 square feet, in size. Located directly behind this structure is a frame and block service building of 1950 square feet with a large aluminum roll up door painted white from approximately 4 foot up to the roof cap and lighter gray from approximately 4 foot to the impervious surface. The building has a flat tar and rubber roof system. Also located on the Property, in the area of the shared parking, is the leased garage consisting of 6 bays. Four bays of the structure are of painted white block and the bay doors have been removed and filled in with a painted white T-111 wood 4x8 sheet product, a window and single access entry door. The roofing is flat with a mansard of either shingle or wood fascia material either green or brown in color. Photos the main structure and surrounding areas are included.

The current owner is a native of the Greenbelt area, and was a volunteer fire fighter at the Greenbelt Fire Department. He was previously employed by the Prince Georges County Fleet Service and later employed with the Mobile Oil Corporation, at the subject Property, prior to purchasing it from Mobil in 1996. This business, prior to and under current ownership, has long been a part of the City of Greenbelt community, providing reliable and affordable auto service to the local and visiting population for many years.

DESCRIPTION OF EACH REQUIRED FINDING:

DIVISION 6. NONCONFORMING BUILDINGS, STRUCTURES, AND USES, SUBDIVISION 1. GENERAL REQUIREMENTS AND PROCEDURES, we have included the sections that pertain to our application.

Section 27-242

(3) Gas stations.

(A) The following modifications of a certified nonconforming gas station may be permitted by the Planning Board without a special exception (Section 27-384):

RESPONSE: The gas station use on the subject Property was certified as a nonconforming use in 1983 (3312-1983-0 & 3312-1983-1), attached hereto. The current owner has been continuously operating the subject Property as a gas station and auto repair facility since 1996 when the Property was purchased by the current owner from Mobil Oil Corporation to Greenbelt Automotive Holding Corporation.

(iv) The addition, relocation, or modification of an accessory building used solely for the storage of automotive replacement parts or accessories. The accessory building shall be wholly enclosed.

RESPONSE: The instant request is to modify/replace a storm damaged accessory building used solely for the storage of automotive replacement parts or accessories to support the certified non-conforming gas station use. The building will be wholly enclosed. The proposed 12Lx20Wx12H building will be constructed of 14 gauge white aluminum with closed ends, a 9x7 roll up door, and green 14 - gauge aluminum roof and trim.

The building shall either be constructed of brick (or another building material similar in appearance to that of the main structure) and placed on a permanent foundation, or it shall be entirely surrounded with screening material. Screening shall consist of a wall, fence, or sight-tight landscaping material, which shall be at least as high as the accessory building. The screening shall be approved as part of the modification.

RESPONSE: There is no one standard building material that is "similar in appearance to that of the main structure" on the Property. The gas station building is a frame, block and aluminum structure, with large roll-up bay doors, other structures on the Property are constructed of concrete block, aluminum, and painted wood siding. The only "similarity" in appearance of the main structures is the color. All of the structures on the subject Property are predominantly white in color. The proposed accessory building will be an aluminum structure primarily white in color and will be located on the existing modified concrete foundation of the previous shed.

(B) A site plan shall be submitted showing the modifications.

RESPONSE: A Site Development Concept Plan showing the proposed modifications, prepared by Landtech Corporation is attached.

(C) The modifications shall not violate any condition of a previously approved Special Exception for a gas station on the property.

RESPONSE: The existing gas station use is a certified nonconforming use, there is no Special Exception.

(D) The modification shall be in conformance with Section 27-358(a), (5), (6), (7), (8), and (10), Section 27-358(c), and any provisions of the zone in which the property is located.

RESPONSE: The proposed replacement of the accessory building is fully in conformance with the cited requirements of Section 27-358 and the C-S-C zone. The wholly enclosed building to be used solely for the storage of automotive replacement

parts or accessories to support the certified non-conforming gas station use will not impact the existing access driveways or sidewalks and the building materials proposed are in harmony with the surrounding development.

CONCLUSION: The application meets all of the criteria for the grant of a modification of a certified nonconforming gas station use to modify/install a wholly enclosed accessory building to be solely used for the storage of automotive replacement parts or accessories on the subject Property. The certified nonconforming gas station use has been operating without interruption since the current owner, took title to the Property in October of 1996. Mr. Aulisio has and does operate as a good neighbor and upstanding citizen in the City of Greenbelt. His business and customer base has grown over these past nineteen years. Replacement of the previously existing, storm damaged accessory storage building is necessary to store an adequate supply of accessory automotive replacement parts and accessories to maintain the prompt and affordable level of service his patrons have come to expect. This minor modification of the nonconforming use creates little disturbance of the existing environment and no change to any existing approvals. The modification will simply allow the Property owner to apply for a permit to construct the accessory building. Granting approval of this request will have no substantial impact on the site or the surrounding area, but will allow this long-operating business to replace a necessary accessory storage building on an existing concrete pad to support his operation.

For all of the reasons set forth above the Property owner of the subject Property, by and through its attorneys, respectfully requests that the Prince George County Planning Board approve this application pursuant to Section 27-242.

RIFKIN, WEINER, LIVINGSTON, LEVITAN
& SILVER



Michael S. Nagy, Esq.
October 13, 2015